

THE ODISHA PANI PANCHAYAT (AMENDMENT) ACT, 2023.

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LAW DEPARTMENT

NOTIFICATION

The 17th November, 2023

No.18511—I-Legis-33/2022/L.—The following Act of the Odisha Legislative Assembly having been assented to by the Governor on the 8th November, 2023 is hereby published for general information.

ODISHA ACT 11 OF 2023

THE ODISHA PANI PANCHAYAT (AMENDMENT) ACT, 2023

AN

ACT

FURTHER TO AMEND THE ODISHA PANI PANCHAYAT ACT, 2002

BE it enacted by the Legislature of the State of Odisha in the Seventy-fourth Year of the Republic of India as follows: —

Short title.

1. This Act may be called the Odisha Pani Panchayat (Amendment) Act, 2023.

Amendment
of Section 2.

2. In Section 2 of the Odisha Pani Panchayat Act, 2002 (hereinafter referred to as the principal Act), in sub-section (1)—

Odisha Act
10 of 2002.

(a) in clause (c), for the words “one outlet” the words “one or more outlets” shall be substituted;

(b) in clause (h), in sub-clause (i), for the words “and creek irrigation projects” ,the words “the Megalift irrigation and creek irrigation projects” shall be substituted;

(c) in clause (o), —

(i) for the words “minor and”, the words “Minor, Mega lift and” shall

be substituted;

- (ii) in the Explanation, after item (iii), the following item shall be inserted, namely : —

“(iv) “Mega lift Irrigation System” means an irrigation system under an irrigation project having irrigable commanded area of more than 500 hectars and up to 2000 hectars by direct pumping from river or reservoir or existing irrigation system or water bodies; and

- (d) for clause (p), excluding the Explanation thereto, the following clause shall be substituted, namely:—

“(p) “landholder” means an owner of land or a tenant or both recorded as such in the record-of-rights under the Odisha Survey and Settlement Act, 1958 or any other Law for the time being in force.”

Odisha Act 3
of 1959

Amendment of
Section 3.

3. In the principal Act, in Section 3, —

(a) in sub-section (1),-

- (i) In the opening portion, for the words “Superintending Engineer”, the words “Additional Chief Engineer” or “Chief Construction Engineer”, as the case may be shall be substituted; and
- (ii) after the proviso, the following proviso shall be inserted, namely:—

“Provided further that in case of Mega lift Irrigation system the Additional Chief Engineer of the Mega lift, may, by notification, delineate a commanded area on a hydraulic basis ordinarily an area of less than 500 hectares which may be considered administratively viable and declare it to be the area of a Pani Panchayat for the purpose of the Act” .;

(b) in sub-section (2), —

- (i) for the words “by one outlet”, the words “by one or more outlet” shall be substituted; and
- (ii) for the words “Superintending Engineer”, the words “Additional Chief Engineer or Chief Construction Engineer”, as the case may

be, shall be substituted; and

(c) in sub-section (4), for clause (i), excluding the proviso and explanations thereto, substituted, the following clause shall be inserted, namely:—

“(i) Every Pani Panchayat shall consist of all the water users who are land holders including the spouse, in the area of a Pani Panchayat”.

Amendment of
Section 4.

4. In the principal Act, in Section 4,-

(a) for sub-section (1), excluding the provisos and *Explanation* thereto, the following sub-section shall be substituted, namely:—

“(1) All the land holders in a Chak of the Pani Panchayat shall elect three members in the manner, as may be prescribed, to form a chak committee in such a way that there shall be one member from the upper reach, one from the middle reach and one from the lower reach within the Chak and simultaneously elect one among those three in the prescribed manner to represent the Chak in the Executive Committee of the Pani Panchayat”;

(b) after the second proviso, the following proviso to sub-section(1), shall be inserted, namely:-

“ Provided also that in case of Mega lift Irrigation Project all the land holders in a chak of Pani Panchayat shall elect one member in the manner as may be prescribed”; and

(c) the existing *Explanation* in sub-section(1), shall be renumbered as *Explanation-I* and after *Explanation-I* so renumbered, the following *Explanation* shall be inserted, namely :-

“*Explanation II.* – If a member of the Chak Committee transfer all his lands in the reach of the Chak to which he represents, through a registered sale deed, he shall cease to be the member of that Chak Committee and shall vacate the concerned office from the date of execution of such deed”;

(d) for sub-section (1-a) including the proviso thereto, the following

sub-section shall be substituted ,namely: —

“(1-a) The term of office of a member of a chak committee other than a member elected to fill up a casual vacancy, shall be five years”;

(e) in sub-section (3), for the words “Superintending Engineer”, the words “Additional Chief Engineer or Chief Construction Engineer, as the case may be”, shall be substituted;

(f) in sub-section (4), —

(i) in the opening portion, for the words “Superintending Engineer”, the words “Additional Chief Engineer or Chief Construction Engineer as the case may be “ , shall be substituted; and

(ii) for the words “Election of the President”, the words “Election of President, Secretary and Treasurer”, shall be substituted.

(g) for sub-section (6), including the Explanation thereto, the following sub-section shall be substituted, namely: —

“(6) The term of office of a member of the Executive Committee of a Pani Panchayat other than a member elected to fill casual vacancy shall be five years”;

(h) for sub-section (6-b), the following sub-section shall be substituted namely:-

“(6-b) The President, Secretary or Treasurer elected under sub-section (4) shall hold office for a period of five years or so long as they continue to be the member of the Executive Committee, whichever is earlier”;

(i) for sub-section (8), the following sub-section shall be substituted, namely:—

“(8) The members elected to the office of chak committee or Executive Committee of any Pani Panchayat under sub-section (1) or sub-section (6) immediately before commencement of the Odisha Pani Panchayat (Amendment) Act, 2023 shall continue to hold such office till expiration of their term of six years”.

Amendment of
Section 7.

5. In the principal Act, in Section 7, —

(a) in sub-section (1), for the words “entire area of a Minor”, the words “entire area of a Mega lift or Minor” shall be substituted; and

(b) in sub-section (5) for the words “area of a medium” the words “ area of a

Mega Lift, Medium” shall be substituted.

Amendment of
Section 9.

6. In the principal Act, in Section 9, in sub-section (4) for the words “three years”, the words “five years” shall be substituted.

Amendment of
Section 10.

7. In the principal Act, in Section 10,—

(a) in the sub-section (1), for the word “President”, wherever it occur, the words “President, Secretary and Treasurer” shall be substituted;

(b) in the sub-section (2),-

(i) for the word “President”, the words “President, Secretary or Treasurer” shall be substituted; and

(ii) after the words “Minor (flow) Irrigation Project” and before the word “and” ,the comma and words, “Additional Chief Engineer in case of Megalift irrigation Project” shall be inserted.

Amendment
of Section 15.

8. In the principal Act, in Section 15, —

(a) in sub-section (1), in clause (a),after the word “Medium” and before the word “and”, the comma and words, “Mega lift” shall be inserted; and

(b) after the clause “(a)”, the following clause shall be inserted namely:-

“(a-1) In case of Lift Irrigation Point, a vacancy in the Executive Committee of Pani Panchayat shall be filled by nomination of Executive Committee from General Body in the manner as may be prescribed”; and

(c) in sub-section (2), for the words “Superintending Engineer”, the words “Additional Chief Engineer or Chief Construction Engineer, as the case may be” shall be substituted.

Amendment
of
Section 32.

9. In the Principal Act, in Section 32, in the proviso to sub-section (2), after the words “Pani Panchayat of a” and before the word “Medium”, the words and comma “ ,Megalift” shall be inserted.

By Order of the Governor
MANAS RANJAN BARIK
Principal Secretary to Government